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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,067	06/01/2001	Christopher M. Tobin	50P4053.01	3986

7590

12/31/2003

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EXAMINER
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ZHOU, TING

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/873,067

Applicant(s)

TOBIN ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

**DETAILED ACTION**

1. Claims 1-40 are pending. Claims 1-16 are withdrawn from consideration on the grounds that these claims are directed toward a non-elected invention. Claims 17-40 were confirmed as being the group of claims directed to the invention elected for present prosecution, without traverse, in the election made over the phone on December 18, 2003.

***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-16, drawn to displaying web page contents in accordance with a default or specified browser format, classified in class 345, subclass 744.
  - II. Claims 17-40, drawn to displaying supplemental database information for resources in online consumer purchasing systems, classified in class 705, subclass 26.
3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as allowing users to browse the pages of an Internet site using the same browser format for ease of navigation. In the instant case, invention II has separate utility such as an interface for consumer purchase of online

products where the vendors has the ability to advertise and present incentives to entice the consumers to buy the items. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Mr. Ronald Card (Reg. No. 44587) on December 18, 2003 a provisional election was made without traverse to prosecute the invention of Group I, claims 17-40. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Drawings***

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Note reference character "200" used throughout the Specification.
8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Note reference character "400" in Figure 4 and reference characters "500" and "512" in Figure 5.
9. Applicant is required to submit a proposed drawing correction of the above noted deficiencies in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### *Specification*

10. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure

of the improvement. The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

11. The abstract is objected to because the sentences beginning, "This will particularly assist novice users' navigation of the Internet..." on lines 2-4 and "Thus, for example, consumer incentive information related to available resources and..." on lines 11-13, refer to speculative applications and merits of the invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

12. Claims 17-18, 21-24, 27-30, 33-36 and 39-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Jammes et al. U.S. Patent 6,484,149.

Referring to claims 17, 23, 29 and 35, Jammes et al. teach a method, apparatus, means and computer readable storage that stores instructions for displaying supplemental information regarding displayed web pages for a user, via the design and operation of an electronic store (as recited in the Abstract). Specifically, Jammes et al. teach identifying a particular resource displayed on a first web page (a navigable hierarchy of products and categories), determining whether an entry corresponding to the particular resource is contained in a database that correlates supplemental information to each of a plurality of resources (product information database or inventory control system), wherein the database is separate from the first web page and the first web page is ordinarily devoid of the supplemental information (information from the database needs to be extracted in order to be displayed on the first web page), and displaying supplemental information for the particular resource along the first web page where it is determined that the database contains an entry for the resource (column 2, lines 61-67, column 3, lines 1-12 and column 56, lines 27-56). This can further be seen in Figures 4 and 7D, where the left pane of the displayed web page contains user selectable categories of information and the right pane displays supplemental information from the selected category.

Referring to claims 18, 24, 30 and 36, Jammes et al. teach the resource displayed on the first web page to include a link to a second web page, as recited in the second paragraph of the Abstract and also in column 8, lines 8-10 and column 57, lines 64-65.

Referring to claims 21, 27, 33 and 39, Jammes et al. teach detecting an event relating to a particular resource (request for a page represented by user selection of the resource), wherein the

event prompts the display of supplemental information for the particular resource, as recited in column 9, lines 9-21 and column 11, lines 54-58.

Referring to claims 22, 28, 34 and 40, Jammes et al. teach the detected event relating to the display of supplemental information regarding a particular resource being a cursor rollover of the particular resource (placing the mouse over the desired category) and the supplemental information is superimposed on the first web page in the vicinity of the display of the particular resource (the supplemental information regarding the information from the desired category is displayed in the right pane of the first web page, next to the display of the particular resource in the left pane), as recited in column 13, lines 45-50 and column 14, lines 25-65.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 19-20, 25-26, 31-32 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jammes et al. U.S. Patent 6,484,149, as applied to the claims above, and further in view of Harris et al. 6,014,635.



Referring to claims 19-20, 25-26, 31-32 and 37-38, Jammes et al. teach all of the limitations as applied to the claims above. They further teach the display of a second web page relating to supplemental information regarding a purchasable item (as recited in the Abstract and shown in Figure 4). However, Jammes et al. fail to teach the supplemental information including a consumer incentive available to the user, such as a discount for using a particular credit card, obtained from a database and not ordinarily evident from the web page. Harris et al. teach an online consumer transaction system similar to that of Jammes et al. In addition, Harris et al. further teach consumer incentives available to the user relating to the items being purchased, wherein the consumer incentive is a discount for purchasing the items using a particular credit card (using the preferred discount credit system), as recited in column 2, lines 18-25 and lines 53-67, and column 3, lines 1-6. It would have been obvious to one of ordinary skill in the art, having the teachings of Jammes et al. and Harris et al. before him at the time the invention was made, to modify the online electronic store of Jammes et al. to include the credit card discount incentive program taught by Harris et al. It would have been advantageous for one to utilize such a combination in order to increase the online sales of items by giving users added motives to purchase things from the particular vendor.

14. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach electronic books with similar mechanisms for note taking and retrieval.

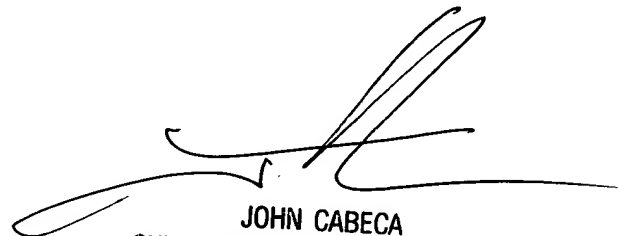
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328. The examiner can normally be reached on Monday - Friday 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

December 22, 2003



JOHN CABECA  
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